

1
2
3
4
5
6
7
8
9 **UNITED STATES DISTRICT COURT**
10 **WESTERN DISTRICT OF WASHINGTON**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 BRIAN D. BORGELT,

15 Defendant.
16
17

Case No. CR04-5575KLS

REPORT RE: DEFENDANT'S PLEA

18
19 THIS MATTER came on for presentation of a plea agreement this 29th day of August, 2005, before
20 United States Magistrate Judge J. Kelley Arnold, in the absence of the assigned trial United States Magistrate
21 Judge, Karen L. Strombom. The United States was represented by Assistant United States Attorney, Arlen
22 Storm. The defendant was present with Attorney C. James Thrush. Defendant had earlier executed a consent
23 for all matters to proceed before a United States Magistrate Judge
24

25 The court reviewed the plea agreement with the defendant and determined as follows:

- 26 (1) The defendant understands his constitutional protections, and those he forfeits in entering a plea of guilty;
27 (2) The defendant enters his plea freely and voluntarily; and
28 (3) The defendant acknowledges a sufficient factual basis to support the plea.

1 The defendant's plea was subject to the provisions of FRCrP 11(c)(1)(C) binding the sentencing judge
2 to a tax loss sum of \$40,000 – \$70,000 for purposes of determining the appropriate guideline range pursuant
3 to 2T4.1(H) of the 1998 United States Sentencing Guidelines. In all other particulars the plea agreement is
4 not binding on the sentencing judge.

5 Accordingly the undersigned finds the plea agreement acceptable for all purposes other than the
6 aforementioned condition subject to FRCrP11(c)(1)(C). The undersigned defers to the Honorable Karen L.
7 Strombom for final acceptance/rejection.
8

9 Dated this 29th day of July, 2005

10
11 /s/ J. Kelley Arnold
12 U.S. Magistrate Judge, J. Kelley Arnold
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28